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Final Report of Committee on Administration of Criminal Justice of The Denver Bar Association

To the DENVER BAR ASSOCIATION:

Your Committee on the Administration of Criminal Justice submits its final report.

In our first report we explained the five Committee bills presented to the legislature. Those bills were afterward endorsed by this Association and also by the Chamber of Commerce, the Round Table and the Legislative Council of the State Federation of Women's Clubs.

The latest information we have is to the effect that two of the bills were passed by the legislature and signed by the Governor, to-wit: S. B. 136, concerning arraignments, and S. B. 244, concerning defendants absenting themselves during trial.

S. B. 135, concerning extradition, was passed by the legislature, and awaits the Governor's signature.

S. B. 186, concerning depositions, passed the senate too late to be acted upon by the house.

We regret that the deposition bill and the public defender bill were not passed, but on the whole the Bar Association bills fared well. We cannot expect to get everything we want and just when we want it. A campaign of education has been commenced, and possibly the next legislature may take more kindly to these measures.

The members of the association should discuss and explain these bills at every convenient opportunity, so as to familiarize the public with their merits.

The administration of criminal justice covers such a wide field, and includes so many details, that it is impossible for any one committee to do more than touch upon a few of the questions that present themselves for consideration. It seems to be quite generally conceded that in the United States criminal justice is not administered as efficiently as it should be. Perhaps some critics have exaggerated the efficiency of other countries and the inefficiency of this in dealing with crime. Chairman Hallam, of the Section of Criminal Law of the American Bar Association, in an article published in the Association's Journal for April, 1924, severely criticises the report of the Special Committee on Law Enforcement. The committee reported that "throughout all England and Wales in 1921, there were sixty-three murders", and Chairman Hallam says: "This is erroneous. There were sixty-three persons tried for murder in 1921, but the murderers were not all tried. There were in England and Wales during that year 168 coroner's verdicts of wilful murder and 72 verdicts of manslaughter. In addition to these there were 1,612 open verdicts, which did not determine the cause of death, so as to bring it specifically under any of the 12 heads or classifications used * * *."

"Quite startling is the result of the trials. Of the 63 persons tried for murder, only 15 were convicted and punished, 27, or nearly twice as many, were acquitted and most startling of all 21 were found insane, 7 found insane on arraignment and 14 found guilty but insane. A record of 15 convicted and punished, 27 acquitted, 21 found insane, is a record of which American prosecutors would not feel proud. The large number found insane lends color to the suspicion that English juries prefer a verdict of insanity to

responsibility for sending a man to the gallows. My notion is that such a record, taken all in all, would, in the United States be matter, not of public adulation but public scandal." * * *

"The report states, 'In 1921 in all England and Wales 113 defendants were put on trial for burglary and 105 convicted. Although the ratio of conviction in New York City is larger than in most other large cities of the United States, the record shows that in New York County in 1921 there were 2,660 burglaries reported, that there were 565 charged with burglary indicted, and that there were 349 found guilty.'

"The figures for England and Wales are incorrect and the comparisons misleading. The number, 113, is the number of defendants put on trial for burglary in one class of courts only, namely, the Courts of Assize. In addition to these, 273 were put on trial for burglary in the Courts of Quarter Sessions, and 20 in Courts of summary jurisdiction, or a total of 386 instead of 113. * * *

"In the second place, it is an unquestioned fact that 'Burglary' so-called in England, does not define the same crime as 'Burglary' under the statutes of New York. In England burglary, house-breaking and shop-breaking are separate crimes." * * *

"In England and Wales in 1921, according to the official statistics above cited, the number of crimes of burglary, house-breaking and shop-breaking known to the police reached a total of 14,702. The number of persons apprehended for these crimes was 3,979, and the number actually tried for what is counted 'burglary' in New York was, not 113, but 3699. The number of cases of burglary, house-breaking and shop-breaking reported to the police in London alone was 3,830."

Mr. Hallam gives other examples of errors in the report, and concludes with these words:

"We can make no headway by unwarranted disparagement of our own country or by undeserved exaltation of our neighbors."

In the May, 1924, number of the Journal the Bar Committee challenged the accuracy of Hallam's figures concerning homicide and defended its own. The committee, however, did not question the accuracy of Hallam's burglary figures.

We are not in position to pass upon the merits of the controversy. We believe, however, that we ought to assume a more critical attitude with reference to the indiscriminate praise of law enforcement in foreign countries. Perhaps we are too gullible. Occasionally some one brushes aside the dark clouds of condemnation and cheers us with a glimpse of brighter things. For instance, in 1922 the American Bar Association's Special Committee on Law Enforcement, after calling attention to our excess of crimes of violence, has this to say:

"In crimes which indicate dishonesty of the people, such as larceny, extortion, counterfeiting, forgery, fraud and other crimes of swindling, a comparison of conditions demonstrates that the morals of this country are better than in any other of the large countries of the world. The American people are an honest people, commercial integrity here works to a higher standard than in any other land, the morality of the country is higher, the lives of its citizens are cleaner, offenses against women and children are less frequent and more universally abhorred. The criminals of this country number less than one-third of one per cent of the entire population."

In 1922 the Canadian Bar Association's committee on the administration of criminal justice made a report, in which we find this:

"Our neighbors to the south in the United States of America have felt compelled through various circumstances to take an intense interest in the work and along many lines with great success. We in Canada are treading the same pathway, in some respects ahead of the United States, but in many vital things, behind them." We find

also the statement that in the cities the judges are overworked; and referring to the law's delays in Canada, the report laments: "It is bad enough, on the civil side, but in criminal courts to have accused persons, whether in custody or on bail, waiting month after month with serious charges overhanging, is very discreditable to the judiciary wherever it occurs."

It is cheering to read in the works of European criminologists praise of our penal and reformatory institutions and our juvenile courts, in all of which fields they credit us with being pioneers and with setting examples worthy of imitation by European governments.

Though the difference has no doubt been exaggerated by many critics, we do not doubt that in the enforcement of the criminal law we are less efficient than they are in England. This is to be expected; it would be surprising if it were otherwise. In England the population is homogeneous, reverence for authority and respect for the law are traditional, going back through generations, to the time when the king was regarded as ruling by divine right. The chancellor was the keeper of the king's conscience; the judge was the king's representative dispensing justice. The compensation and social position of the judge are such that the most eminent members of the bar aspire to the bench. The tradition of bench and bar are such as conduce to the most efficient team work in dispatching the business of the court.

In this country the population is heterogenous, composed of the most diverse, and all too frequently discordant, elements. Our population consists largely of those whose ancestors, or who themselves, rebelled against the political, ecclesiastical, industrial or social institutions of the old country, and came here to enjoy a greater measure of freedom and self-expression. We are not many generations removed from frontier days, when every man was a law unto himself. This sturdy independence and self reliance are qualities necessary to the building of an empire, but frequently interfere with that submission to authority and obedience to the law that are desirable in a highly civilized community. In such people individualism is highly developed. They often chafe under restraint. They do not always render willing obedience to the rules and regulations established by their representatives, or even to those that they themselves establish. Here every man considers himself a sovereign. He looks upon judges, as well as other officials, as public servants, and therefore is not inclined to feel for them that reverence that is accorded by the English people to their king, their judges and other officials holding under the king. The tenure of office and compensation of most of our judges are not such as to command the talent available in England. There are so many lawyers here, and the judges change so frequently, that it is often the case that the judge and lawyers engaged in a trial are practically strangers to one another; and this is not conducive to the best results. In England the judges try the cases; in this country the lawyers try them. Unless and until we can attract to the bench ability equal to that possessed by the English judges, it would be unwise to give to the judiciary the great powers exercised by the judges of England.

To compare the results achieved in this country with the results achieved in England is not altogether fair to us. We must solve our own problems in our own way, profiting by such suggestions from abroad as seem to be helpful. Much attention has been given to the subject in this country in recent years.

In 1923 the American Bar Association's Special Committee on Law Enforcement sought from lawyers all over the United States their views relative to the condition of law enforcement in this country, the reason for any such failure of law enforcement as might exist, and such remedies as might seem available. Hundreds of letters were received by that committee, a large number of which were printed in a pamphlet. Probably only a few of those pamphlets are in Denver. The views expressed in those letters show the general trend of thought among the lawyers of this country, and we believe

that a few brief extracts from a number of the letters will be interesting and instructive. They follow:

From Justice Sutherland of the United States Supreme Court:

"The principal reform needed is in the direction of getting rid of procedural red tape and speeding up the process of law administration, and this, I am sure, can be done without any sacrifice of accuracy."

From Judge Hough, of the U. S. Circuit Court of Appeals, second circuit:

"The condition of law enforcement in this country depends primarily on the kind of law to be enforced.

"Our laws, whether evidenced by decision or statute, are of two kinds or classes.

"First. Laws embodying inherited customs and fortified by long public acquiescence; which are therefore subject to a minimum of private criticism or public attack.

"Second. Laws resulting from the vehemence of some cult, bloc, class, or an economic or social 'ism;—all statutory and all frankly designed to further or coerce, control, favor or suppress a minority, a business or the social conduct of private citizens in a new and unaccustomed manner.

"At present laws of the first class are enforced as well as they have ever been; and in respect of careful legal study, better than ever before. It is true that defects in procedure hamper the enforcement of all laws alike; but the substance of this first class of laws is enforced by overwhelming majority sentiment.

"Laws of the second class are enforced sometimes almost ferociously, always sporadically and uncertainly, and sometimes not at all. The substance of such laws is so vehemently disliked by large minorities that enforcement is usually a matter of local feeling.

"The net result is that the average of law enforcement in this country is distinctly low."

Prof. DeLacy, of The Catholic University of America, wrote:

"Undoubtedly widespread morality—National Morality—is the best remedy for existing evils and the best guarantee of respect for Law and Order."

Adelbert Moot, of Buffalo, N. Y., wrote:

"If the probation and parole system, that prevents youngsters from being schooled in crime in this state, could be copied and intelligently applied all over the country, the amount of crime that would be prevented, and the amount of money that would be saved, would be enormous. Proper moral instruction in schools, for the purpose of developing steady moral character, is another great preventative of crime. Proper religious instruction in homes, Sunday Schools and churches, is also a great preventive of crime. It is with crime as it is with disease, the best cure is to take time by the forelock and prevent exposure to it."

From Moorfield Storey, Boston:

"What is needed is prompt judgment and certain punishment. In place of it we have delays in trials, very long delays in proceedings after verdict, very mild sentences, too much suspended sentence and probation."

From Judge Pound, of New York Court of Appeals:

"Briefly, I think that the condition of law enforcement in this country is about as good as the majority of people actively and affirmatively desire it to be. A system of law enforcement which is far from summary, which is administered by elective officers, which

includes trial by jury and the right of appeal, is democratic and not autocratic, and its failures are due to a lack of a strong public sentiment in favor of prompt, certain and stern punishment for every offense against the laws which the representatives of the people have put on the statute books."

From Judge J. C. Ruppenthal, of Russell, Kansas:

"Our court system should as far and as rapidly as possible be unified and simplified so as to stop the present tremendous losses of efficiency by uncertainty, delay and expense. * * * The bar should be more active to put the truth as to criminal law and its administration before the general public. They should systematically seek to correct the misstatements of the current press as to law and procedure in criminal cases."

From Simon Fleischmann, Buffalo, N. Y.:

"The condition of law enforcement in this country is about on a par with the general level of civilization and social progress which have been attained. The heterogeneous population and primitive conditions of various elements of the population have prevented further advances than have been made, and progress will continue upward, but at a slow pace."

"The only remedy yielding permanent improvement will be the diffusion of general culture, which may, perhaps, be accelerated by educational activity along the lines of impressing upon the public the need of respect for the law. Lawyers can, doubtless, do much, and the obligation rests upon them to contribute their personal efforts and energies to this end."

From George Zabriskie, New York City:

"As regards crimes of violence, I think the remedy, at least in part, involves a general revision throughout this country of the law affecting criminal procedure with a view to removing, or at least greatly diminishing, the obstacles which the law puts in the power of persons accused of crime to put in the way of the administration of justice."

From Chief Justice Teller, of the Colorado Supreme Court:

"We have gone too far in sustaining technicalities in criminal trials. While every proper protection should be afforded to one accused of crime, when on trial, it should be done according to sound reason. At present the criminal codes of the country contain many provisions which are not reasonable, all tending to delay enforcement of the law, and to render convictions difficult."

"Punishment for crimes will act as a deterrent only in proportion as it is prompt and certain."

From James Bronson Reynolds, President of the American Institute of Criminal Law and Criminology:

"a. There should be a clearly recognized standard of efficiency in the administration of the criminal law and in the weeding out of all possible procedural difficulties which delay prompt indictment and trial of alleged criminals.

"b. The elimination of indictment by Grand Jury and the continuance of the Grand Jury solely for special inquiries.

"c. The removal of silence of the defendant as practiced in Ohio and recommended by your committee.

"d. The reduction in the number of challenges by the defendant in trial juries and granting of more power to judges to control the selection of juries.

"e. The elimination of *ex parte* alienist experts and the sub-

stitution of experts chosen by the judge or by agreement of the prosecuting attorney and counsel for the defense.

"f. The granting of more power to the judge to advise the jury and to comment on evidence.

"g. The consolidation of criminal court judges into a single criminal court bench in cities of the second class and most cities of the first class under the presidency of a chief justice with executive powers."

From Justice Schaffer, of the Pennsylvania Supreme Court:

"We are a new country, with an immense number of new people among us, who do not fully understand our customs and laws and therefore to compare us with a settled country like England, peopled by those having the same tradition of law abidingness, is scarcely a fair test."

From William Draper Lewis, Secretary of American Law Institute:

"We are prone as a people to put entirely too much emotion and too little scientific observation into the enforcement of the law; there is a crime wave over the country. Instantly there is a clamor for railroading prisoners and an increase in severity of sentences. All this of course is mere emotion. Again, when a man is convicted of a crime a lot of well-meaning and emotional people clamor to get him out."

"The American Law Institute is considering drafting a report on the causes of the defects in criminal justice and the lines along which work for improvement should proceed."

Judge MacFarlane, of the Court of Common Pleas, Pittsburgh, Pennsylvania, said:

"The urgent need of our day is home-grown reverence for law."

Judge Anderson, of the U. S. Circuit Court of Appeals, Boston, wrote:

"I suppose most of the state prosecuting officers are elected. The Bar Association should be alive to the importance of nominating only high-class men to these vitally important offices. The Bar Association should give that matter at least as much attention as they do the selection of judges."

G. B. Rose, of Little Rock, Arkansas, wrote:

"The principal reason of the failure to enforce the law is the provision in most of our American Constitutions that the judges shall not comment upon the evidence, nor give the jurors the benefits of their views upon the merits of the case."

Justice McKinney, of the Tennessee Supreme Court, is an optimist, to judge from the following:

"You ask me three questions:

"1. The condition of law enforcement in this country. Ans. Good.

"2. The reason for its failure, if such failure to your mind exists. Ans. Failure does not exist.

"3. Your suggestion as to a remedy. Ans. Cease agitating question."

Thomas Hovey Gage, president of the Massachusetts State Bar Association, wrote these reasons for the failure of law enforcement:

"First, I would put the disposition of the community to consider crime a disease and to experiment with all sorts of processes to reform, rather than to punish."

"Fourth, our legislatures, in their effort, to borrow a popular phrase, 'to put teeth into a statute', have increased the number of

things for which a person can be fined, imprisoned or both, until the public is bewildered and prosecutions no longer brand a person as particularly vicious. This multiplication of offenses seems to me to bring the whole criminal procedure and indeed all legal procedure into much disrepute."

Dean Dunmore, of the Western Reserve University, Cleveland, wrote:

"One of the contributing causes is the fact that we have unduly protected the offender as against the state.

"Locally, the popular selection of judges for brief periods, combined with the direct primary, has resulted in many judges of distinctly inferior attainments.

"One of the greatest of the feasible reforms is more care in the selection of the men who practice before the courts. We cannot expect the right kind of judges with an inferior bar. The judges, too, should be appointed for such length of time as to remove them from constant participation in politics."

Howard Thayer Kingsbury, of New York City, wrote:

"The best remedy is to go over all the penal laws of the United States, and of the several states, to repeal every one which is not absolutely necessary for the safety of society and which does not command the voluntary respect and obedience of the overwhelming majority of the population in the locality concerned, and then to enforce the laws that remain with the full strength of the federal and state governments."

Dean Harno, of the University of Illinois College of Law, wrote:

"The inability of the state to secure a change of venue in many jurisdictions is deplorable. This was largely responsible for the acquittals in the Herrin prosecutions. The greatest difficulty of all which includes nearly all else in the failure of law enforcement on the criminal side of the law is the state of the popular mind. Our jurisprudence cannot rise higher than the morals and ideals of the people, and law enforcement reflects only the popular notions of the time. If I were to place my emphasis on one particular thing which has been responsible for the present conditions of law enforcement it is that."

From George Bryan, Richmond, Va.:

"Let us amend our procedure and rules of evidence and so multiply our tribunals, wherever this is necessary, as to cause the consequences of a breach of the law, whether these consequences be penal or pecuniary, to follow the breach with a maximum of speed." Attorney General Barrett, of Missouri, wrote:

"The worst enemy of law enforcement is our archaic system of criminal procedure and the insistence by the courts upon technical rules of practice entirely dissociated from the merits or justice of the case. Our criminal law purposely handicaps the prosecution to an unreasonable extent. We pretend to believe these handicaps are necessary to shield the innocent; whereas, of course, they were invented to protect helpless subjects from an all-powerful sovereign. There are no conditions in a republic such as this which necessitate putting the prosecution under such severe disadvantages. The entire criminal practice has become so highly technical, at least from the standpoint of the prosecutor, that only an expert in that branch of the practice can properly protect the state's interests.

"Innumerable reversals are necessary because of errors which are held harmful by the courts, but which are entirely harmless in fact."

From Clarence A. Lightner, Detroit:

"The Anglo-Saxon passion to make other people better, and to enact sumptuary laws, is the principal occasion for the lack of respect for the law, and consequently, failure in law enforcement."

From Robert C. Alston, Atlanta, Georgia:

"My suggestion for the remedy is persistent teaching, persistent enforcement of the law, continuous up-holding of officers; teaching of respect for government, teaching the Constitution in schools, continuous encouragement of respect for the church, for the law cannot rise above the average of the people, and it is the church and not the school which must bring the people up to a higher average. Under no circumstances should there be any letting up, either in the enforcement of the law or in the majesty of the law or in the teaching as to respect for government."

Our lamented brother, John H. Fry, wrote as follows:

"My first suggestion as to a remedy is that all leaders of public thought, including lawyers, preachers, teachers, editors, public officials, and every one else aspiring to leadership in any community should at all times talk, preach and write that every individual in the community owes it to his country, first to observe the laws himself and second to willingly inform and testify as to any violation thereof by others. Individual respect for the law and willingness on the part of the individual to testify as to the violation of law by others will go further than anything else to bring about the enforcement of criminal laws."

Judge Hand, of the U. S. District Court for Southern District of New York, wrote:

"The fundamental trouble I believe to be in the belief that liberty and property must be protected by an overcomplicated formalism, that legal mechanism can be successfully substituted for the competent and responsible judge. I believe that the inevitable result of that attitude will be a cumbersome, slow, uncertain and irksome enforcement of law."

Dean Bates, of the University of Michigan Law School:

"The failure seems to me to be attributable to the following:
A. The heterogeneous, largely untrained and self-willed people, whose education has become greatly relaxed during the last few years, especially in the matter of developing self control, respect for law and order, and a recognition of the fact that human life can only be lived happily if with due regard to other people."

Charles A. Boston, New York City, wrote:

"The reason for such failure is multifold. Among the reasons are a large number of laws which embody the ideas of specific groups in the community and which run counter to the sentiments of other large numbers of people in the community.

"The interference of political influence with impartial enforcement of the existing laws; the number of laws and the methods provided for their enforcement which are contrary to the instinctive habits of a very large part of the community, and the adoption of laws at the behest of small and fanatical groups which are intended to punish those who do not share the opinions of the groups.

"The technical rules of law, and especially the technical rules of evidence."

Attorney General Conner, of Idaho, wrote:

"The modern tendency is to reform the criminal rather than punish him. The result is that our prisons have ceased to have

much terror for the potential offender. Punishment for crime can have no great deterrent effect until the courts, the wardens of our prisons, and the officers or boards who hold the pardoning power are actuated by the principle that an offense against society must be followed by a punishment swift and sure. The reclamation of the criminal is of great importance and must never be lost sight of, but it should be incidental to the punishment, not replace it."

We will now consider some of the conditions confronting us in Denver. Much has been said and written about delay in bringing cases to trial. Those who have little or no information have taken exceptional cases and exploited them as typical cases. In order to discuss the matter intelligently it is well to first ascertain the facts as they actually are rather than as they are rumored to be. Through the courtesy of the clerk of the District Court we have been furnished with data from which we have compiled certain tables which appear at the end of this report.

Table No. 1 is a list of all criminal cases (including homicide cases) tried to juries during 1922, 1923 and 1924. From this table it appears that over 55% were tried within 30 days after the filing of the charge. Of these many were tried within a week or two. More than 77% were tried within two months.

Table No. 2 is a list of homicide cases tried during the same period of time. These homicide cases are included in table No. 1. From this table it appears that 34% of the homicide cases were tried within 30 days after the filing of the charge; 67% within 2 months; 78% within 3 months; and 92% within 4 months.

Table No. 3 is a list of the same homicide cases, showing that more than 17% were tried within 30 days after the killing; more than 34% within 2 months; more than 71% within 3 months, and more than 82% within 4 months.

Table No. 4 is a list of the same homicide cases. It shows that in more than 90% of the cases the charges were filed in the District Court within 30 days after the killing.

Compare that record with the records of three other cities: Chicago, Detroit and Cleveland. In the Journal of the American Judicature Society for December, 1922, we read:

"It was found in June, 1922, that in the criminal court of Cook county, Illinois, 72% of the cases were dismissed or nolle prossed, although the state had previously convinced a judge and a grand jury that there was probable cause for holding the accused. The reason for letting more than two-thirds of the crooks slip through the meshes was that months elapsed before the cases were called for trial."

In the Journal of the American Judicature Society for April, 1920, we read:

"The Recorder's Court (of Detroit) is approximately 1,200 cases behind in its docket, with the result that the average case cannot be tried for from four months to a year after the crime is committed."

From "Criminal Justice in Cleveland", published by the Cleveland Foundation, we learn that in 1919 the average time from indictment to disposition of cases was over 51 days, and from arrest to disposition of cases over 69 days. Note that this is not to the date of trial, as in the Denver tables, but to the date of disposition, which includes pleas of guilty.

In the Denver District Court the average number of pleas of guilty per year during the past six years was 199 plus. Nearly all such pleas are entered within a very few days, say from 3 to 15 days, after the filing of the charge. If we add these pleas and the nolo contendere and the nolle prosequi pleas and the dismissals to the jury trials, it is a fair estimate

that perhaps 75% or even 80% of all cases filed in the West Side court during the past three years have been disposed of within 30 days after the filing of the charge and within 30 to 40 days after arrest. Observe that in our table No. 3 we compute time not from the date of arrest, but from the date of the killing, which may have preceded the arrest by several weeks or months. Indeed, in one case of homicide the arrest was not made until 4 years and 7 months after the homicide.

In Cleveland and Detroit conditions have changed for the better in the past few years.

It must be borne in mind that practically all cases filed in the Denver District Court are felony cases, the penalty being imprisonment in the penitentiary. Greater care and more time are required in preparing such cases for trial than is customary in misdemeanor cases. Practically all misdemeanor cases are tried in other courts. Until this year there have not been enough Denver judges to handle the business; and it has only been through the splendid assistance rendered by judges from other districts that the District Court has kept abreast of its work. There is room for substantial improvement in the disposition of criminal cases, and now that we have two judges regularly assigned to the criminal divisions, we have reason to expect such improvement. While trials without unnecessary delay are highly desirable, in the struggle for law enforcement we must not get the idea that speed is the only thing to be desired. Even more important than speed is justice—justice alike to the people and the defendant. We are told by the American Bar Association special committee on law enforcement that in England "The right to counsel is greatly abridged. No one unable to employ counsel is entitled to have one appointed unless at his hearing before the committing magistrate he has disclosed a defense. In actual practice the court appoints counsel in capital cases or in (other) cases of unusual seriousness, but this appointment occurs only on the eve of trial. * * * There is little opportunity for consultation or for seeking out witnesses in preparation for his defense." If we in this country adopted such a practice as that—a practice that shocks our sense of justice—no doubt we would have far more speedy trials, and a higher percentage of convictions.

Every once in a while we read of some homicide trial in England where the court displays marvelous speed in sending the accused into the presence of his Maker. American alarmists select these English cases of exceptional speed, and place them in parallel columns with the general run of American cases, and even with American cases where exceptional delay has occurred, and the American public suffers a severe shock, and forthwith jumps to the conclusion that our civilization is a failure, and that we are on the road to what has been euphoniously called "the demnition bow-wows."

Now what are the facts? We are informed by a lawyer of wide experience in the defense of criminal cases that while in England last summer he interviewed clerks of courts and others connected with criminal administration; that they informed him that such cases were exceptional; that cases which, by reason of the atrocious character of the crime, or otherwise, have attracted wide public attention are pressed forward with great speed, but that in the ordinary cases no such speed is attained or even attempted.

The *Law Times* (published in London) no doubt had in mind, not these exhibition cases, but the general run of cases, when in April, 1923, it referred to "the appalling delay and the uncertainty that has obtained for years past" in the English courts. (*Am. Bar Association Rep. 1923, p. 600.*)

John Hays Hammond, in a recent magazine article, praises the speed with which the trial follows the offense in England. To clinch his argument, he says:

"Statistics gathered last year by Chief Justice Wanamaker of the Ohio Supreme Court show that on an average only ninety days elapse between arrest and final disposition in all grades of crime brought before the London courts."

When we compare this with our Denver record, showing that over 55% of the cases tried by juries in the West Side court were tried within thirty days, and over 77% within two months after the filing of the information; that 34% of the homicide cases were tried by juries within thirty days, and 67% within two months after the filing of the information; that over 17% of the homicide cases were tried within thirty days and over 34% within two months, and over 71% within three months after the killing; and when we consider that practically all cases tried in the West Side court are felony cases; that about 75% to 80% of the cases there are finally disposed of by trial or pleas of guilty, *nolo contendere*, *nolle prosequi* or by dismissal within thirty days after the filing of the information, and that the justices of the peace try practically all the misdemeanor cases, and try them far more speedily than felony cases are tried in the District Court,—when we consider these things, the comparison is by no means to our disadvantage.

For the benefit of those whose constant cry is for speed, speed, and yet more speed, we quote the wholesome language of Mr. Justice Goddard in the matter of the Fire and Excise Commissioners, 19 Colo. 482, 504:

"Some delay is, of course, inevitable. Reasonable time must always be allowed for the consideration of the rights of the parties in the administration of justice under a free government. Monarchical and despotic governments can undoubtedly proceed more speedily than a representative government in the enactment, administration and execution of the laws. Reasonable delay is the price we pay in order to secure the protection and vindication of personal and property rights under a government like ours."

We can and should greatly improve conditions in our criminal courts, but let us go at the work after ascertaining the true facts, and in a calm, scientific spirit, without a trace of hysteria.

A conscious and persistent effort on the part of judges and lawyers to avoid unnecessary delay would be a long step in the right direction, and would prevent much just criticism.

It has been said that the criminally inclined are deterred from committing crime, not so much by severity of punishment as by certainty of punishment. We agree with that statement. When the punishment is more severe than jurors consider fairly and justly proportioned to the offense, they frequently acquit where otherwise they would convict. That explains the apparently anomalous fact, to which writers have frequently called attention, that under the administration of judges who, by reason of their severe sentences, gain the reputation of being "terrors to criminals," jurors sometimes bring in verdict after verdict of acquittal upon evidence that seems conclusively to establish guilt. This practice is sometimes referred to as "doing equity in criminal cases." In England for all crimes except murder the sentences are less severe than in this country.

Certainty of punishment depends upon many considerations. Much depends upon the activity of the police in making prompt arrests, and upon their intelligence in arresting the right person and in discovering and preserving evidence of the crime. Much depends upon the energy and ability of the district attorney and his staff in preparing for trial and in trying cases. Much also depends upon whether or not the trial court and the Supreme Court are super-technical.

During the past three years juries convicted twenty-nine persons tried for homicide and acquitted forty. Let it not be supposed that the administration of criminal justice is a failure merely because of the fact that every person accused of crime is not convicted. The primary function of a criminal court is not to convict, but to conduct a solemn investigation into the question of guilt or innocence. If a guilty man is acquitted, it is a failure of justice; but justice suffers a far greater shock if an innocent man is convicted.

In considering the number of acquittals as compared with the number of convictions, keep this in mind, that in many states in felony cases there is a

preliminary hearing before an examining magistrate, and that this results in eliminating weak cases. When witnesses are on oath they sometimes change materially the account given by them to the district attorney. In Denver the almost universal practice is to file a direct information in the District court, so that the trial there is the first test of the strength of the prosecution. This saves delay, and for that reason we believe it to be an excellent practice, but it no doubt accounts to some extent for the number of acquittals as compared with the number of convictions.

Another thought in this connection. A writer has truly said that in the matter of the enforcement of the criminal laws the public "oscillates between apathy and hysteria." When some crime of special atrocity is committed, or when a series of crimes are perpetrated, or where crimes of violence are committed during industrial conflict, hysteria or a species of blind fury appears to take possession of the public. The people cry out for vengeance, and bitterly charge the officers with incompetence or worse for failure to apprehend the criminals and bring them to speedy justice. Arrests made under such circumstances are not always made upon sufficient evidence, and the resulting trials swell the proportion of acquittals. This has been the experience time and time again in Denver and other Colorado cities, as well as in other parts of the United States.

Among those acquitted of homicide were nine policemen. In each instance the policeman killed in the performance of his duty, usually in a gun battle with an armed robber, in which it was the robber instead of the policeman who received the fatal wound.

The cases were filed in order to have the trials while the witnesses were alive and available. Even after making due allowance for the acquittal of the policemen, the record appears to be a poor one. Whether the fault lay with the police department, the district attorney's staff, the jurors or the judges, or elsewhere, we are unable to determine. Where a homicide has been committed, a court inquiry of some kind is practically always necessary. Where charges are filed before a justice of the peace, a preliminary hearing may result in the discharge of the accused for want of sufficient evidence to hold him for trial. This would result in the filing of informations in the District court in only those cases where a magistrate has found probable cause. Such practice would make a better showing for the District court, but on the whole we believe the present practice of filing direct informations to be the better one.

Compare the Denver record with the following records of homicide trials taken from the American Bar Association report for 1923, p. 599:

Detroit, 1921.....	convictions 42;	acquittals 16
New York County, 1906 to 1915.....	" 479;	" 138
Minnesota, 1913 to 1918.....	" 196;	" 97
Ramsay County, Minn. (St. Paul), 10 years.....	" 20;	" 8
Hennepin County, Minn. (Minneapolis) 10 years	" 46;	" 29

This matter deserves the most careful consideration by all concerned in the administration of criminal justice in Denver.

Table No. 5 shows disposition of all criminal cases (including homicide cases) tried by juries in the West Side court during the past six years (1919-1924). It shows 555 verdicts of guilty and 384 verdicts of not guilty.

Tables Nos. 7 to 10 were compiled in the office of the district attorney. Colonel Van Cise kindly furnished us with the copies. They show the disposition of cases in the District, County, Juvenile and Justice courts during the past four years. There is a discrepancy between his figures and the figures furnished by the clerk of the District court for the same period of time. We do not attempt to account for the difference, but present both tables for what they are worth. The district attorney's combined figures for all of the courts for the four years show 1,714 convictions and 577 acquittals. This makes a much better showing than the homicide records.

We will next consider briefly the fate of criminal cases on writs of error. In recent years there has been all over the United States a marked disinclination to reverse convictions for purely technical irregularities that do not affect the real merits, especially where the record discloses a clear case of guilt. In England a reversal is a far more serious matter than it is here, for there it means that no matter how atrocious the crime, the defendant goes free; he cannot be again tried for the same offense. Here it means another trial. In an address printed in the American Bar Association Report for 1923 (p. 601) it is said that in England in 1920 out of 111 appeals, eighteen convicted persons were so released. The address also states that "the figures available show that the percentage of ultimate conviction of persons tried is not so high in England as in the United States;" a statement that surprises most of us, and that will no doubt cause a perceptible shock to those of us, if any there are, who are slightly afflicted with angomania.

In 1895 a member of this committee tabulated all cases reported in the first nineteen volumes of the Colorado reports and the first three volumes of the Court of Appeals reports. There were thirty-one criminal cases affirmed and thirty-nine reversed. For purpose of comparison we have examined the last eleven volumes (65 to 75) of the Colorado reports. We found ninety-two criminal convictions affirmed and thirty-nine reversed. In the last volume (75) there were nine affirmances and no reversals. In order to draw accurate conclusions from these figures it would be necessary to ascertain the points upon which the cases were decided. This we have not had time to do. Our successors may find it worth while to make the investigation.

In this connection, it is interesting to read in the American Bar Association Journal for April, 1925, that Judge Kavanagh, of Chicago, made an examination of affirmances and reversals of criminal cases in five typical American states, and found that nearly one-half the cases appealed were reversed.

We make the following recommendations:

1. There should be a constitutional amendment permitting verdicts by three-fourths of the jurors in misdemeanor cases and in cases of minor felonies.

2. Defendants in misdemeanor cases and in cases of minor felonies should be permitted to waive a jury and consent to a trial to the court,—or consent to a trial to a jury of six.

This may now be done in misdemeanor cases tried before Justices of the Peace, and probably may be done in misdemeanor cases in other courts. It may be well to put the matter beyond doubt.

3. The constitution should be amended so as to permit the district attorney, in argument, to comment on the failure of the defendant to testify. Ohio has passed such a constitutional amendment.

4. Before consenting to the entry of a nolle prosequi the judge should require notice to the prosecuting witness and notice to the police officer or sheriff having charge of the case.

5. Where the judge is disqualified to try a case, if the judge and the attorneys for the prosecution and defense are unable to agree upon the court to which the venue should be changed, or upon the judge who should be called upon to try the case, the Chief Justice of the Supreme Court should be required by statute to designate such court or judge.

6. The Juvenile Court act should be amended so as to confer the same power upon that court that is possessed by other courts of record, not only as to changes of venue to and from other courts, but also as to the calling in of another judge where the Juvenile Court judge is disqualified. Our recommendation No. 5 applies to Juvenile Courts also.

7. The judges assigned to the criminal divisions of the District Court should remain there the full term of which they are elected. By specializing, they would become more expert and efficient, and this is of the utmost importance in the administration of criminal justice.

8. The district attorney and his staff should receive larger compensation, so as to secure men of the very best ability, and they should devote their entire time to their official duties.

9. There should be no suspension of trials during the summer months. The judges can arrange matters, calling in a judge from another district, if necessary, to assist, so as to enable them to have needed rest, without suspending trials. A keen observer has said, "Criminal justice cannot afford a vacation."

10. No defendant should be permitted to have two trials as a matter of course. Where a misdemeanor charge is filed before a justice of the peace, the defendant should be required to elect whether he will have the case certified to the County court for trial or proceed to trial before the justice of the peace. If he chooses the latter course, he should not be permitted to appeal except for error of law. This is now substantially the practice in Cleveland, Ohio.

11. The value of stolen property to constitute grand larceny should be raised \$20 to \$100. There has been nearly that increase in values since the present law was passed. Where the penalty for stealing property of a value less than \$100 is imprisonment in the penitentiary for not less than one year, jurors are inclined to acquit in many cases where otherwise they would convict. The Los Angeles crime commission recently secured the enactment of a law raising the amount from \$50 to \$200, and it reports an increased number of convictions. (Bulletin No. 1, June, 1923.)

12. The law should provide that a certified copy of a criminal recognizance may be filed for record with the county clerk and recorder, and thereupon become a lien upon the real estate of the principal and sureties.

13. There should be held an annual conference on the administration of criminal justice. It should be attended by the Manager of Safety and Excise, chief of police, chief of detectives, the coroner, the district attorney and his staff, the judges of all the courts and other officers connected with the administration of criminal justice. The Denver Bar Association's committee should also attend. At this conference there should also be present the editors of all the daily papers of general circulation published in the city. The relation of the press to the administration of criminal justice is of growing importance, and should not be neglected in the discussions at the conference.

This committee has already taken a step toward bringing about such a conference. Our successors will no doubt carry on the work.

The subject assigned to this committee is one of the utmost public importance. We have been able merely to skim over the surface. We pass the work on to our successors, assuring them that they will find it of absorbing interest and well worth the expenditure of whatever time they may be able to devote to it.

Respectfully submitted,

CHARLES C. BUTLER, Chairman;
HARRY C. RIDDLE,
OMAR E. GARWOOD,
HARRY S. SILVERSTEIN,
ROBERT E. MORE.

Note—In addition to the tables referred to in the report, we submit: Table No. 6, showing number of criminal cases filed in West Side court during 1919, 1920, 1921, 1922, 1923 and 1924.

Table No. 11, showing nature of such cases.

Tables. Nos. 12, 13 and 14, Reports of Police Department for 1922, 1923 and 1924.

TABLE NO. 1
LENGTH OF TIME INTERVENING BETWEEN FILING OF INFORMATION
OR INDICTMENT AND JURY TRIAL IN WEST SIDE
CRIMINAL COURT, DENVER

Includes All Cases Tried

	1922	1923	1924	Total	Average Per Year
Tried within thirty days after filing.....	107	52	99	258	86
Tried bet. 1 and 2 mos. after filing.....	28	40	32	100	33 $\frac{1}{3}$
Tried bet. 2 and 3 mos. after filing.....	21	14	16	51	17
Tried bet. 3 and 4 mos. after filing.....	9	11	12	32	10 $\frac{2}{3}$
Tried bet. 4 and 5 mos. after filing.....	2	5	2	9	3
Tried bet. 5 and 6 mos. after filing.....	5	2	1	8	2 $\frac{2}{3}$
Tried bet. 6 and 7 mos. after filing.....	0	0	1	1	$\frac{1}{3}$
Tried bet. 7 and 8 mos. after filing.....	0	1	0	1	$\frac{1}{3}$
Tried bet. 8 and 9 mos. after filing.....	0	0	0	0	0
Tried bet. 9 and 10 mos. after filing.....	0	0	0	0	0
Tried bet. 10 and 11 mos. after filing....	0	1	0	1	$\frac{1}{3}$
Tried bet. *14 and 15 mos. after filing..	1	0	0	1	$\frac{1}{3}$
	<u>173</u>	<u>126</u>	<u>163</u>	<u>462</u>	<u>.....</u>

*Second trial.

TABLE NO. 2
HOMICIDE CASES TRIED BY JURIES IN 1922, 1923 AND 1924, IN DENVER
Length of Time Intervening Between Filing Information or Indictment
and Jury Trial

	1922	1923	1924	Total	Average Per Year
Tried within 30 days after filing.....	8	4	10	22	7
Tried bet. 1 and 2 months after filing....	5	9	7	21	7 $\frac{1}{3}$
Tried bet. 2 and 3 months after filing....	3	1	3	7	2 $\frac{1}{3}$
Tried bet. 3 and 4 months after filing....	4	2	3	9	2 $\frac{2}{3}$
Tried bet. 4 and 5 months after filing....	2	....	1	3	1 $\frac{1}{3}$
Tried bet. 5 and 6 months after filing....	1	....	....	1	$\frac{1}{3}$
Tried bet. 14 and 15 months (2nd trial)	1	....	....	1	$\frac{1}{3}$
	<u>24</u>	<u>16</u>	<u>24</u>	<u>64</u>	<u>.....</u>

TABLE N. 3
HOMICIDE CASES TRIED BY JURIES IN 1922, 1923 AND 1924, IN DENVER
Length of Time Intervening Between Commission of Homicide and Jury Trial

	1922	1923	1924	Total	Average Per Year
Tried within 30 days after homicide.....	....	2	8	11	3 $\frac{2}{3}$
Tried bet. 1 and 2 mos. after homicide	11	6	5	22	7 $\frac{1}{3}$
Tried bet. 2 and 3 mos. after homicide	2	6	4	13	4 $\frac{1}{2}$
Tried bet. 3 and 4 mos. after homicide	2	2	3	7	2 $\frac{1}{3}$
Tried bet. 4 and 5 mos. after homicide	4	....	2	6	2
Tried bet. 5 and 6 mos. after homicide	1	....	1	2	$\frac{2}{3}$
Tried bet. 6 and 7 mos. after homicide	1	....	1	1	$\frac{1}{3}$
Tried bet. 14 and 15 mos. after homicide, 2nd trial.....	1	....	....	1	$\frac{1}{3}$
Tried 30 mos. after homicide (3 police- men)	1	....	....	1	$\frac{1}{3}$
Tried 4 years 7 mos. after homicide (murder by abortion—body ex- humed long after death).....	1	....	....	....	.....
	<u>24</u>	<u>16</u>	<u>24</u>	<u>64</u>	<u>.....</u>

TABLE NO. 4

HOMICIDE CASES TRIED BY JURIES IN 1922, 1923 AND 1924, IN DENVER
Length of Time Intervening Between Commission of Homicide and Filing of
Information or Indictment

	1922	1923	1924	Total	Average Per Year
Filed within 30 days after homicide.....	21	15	22	58	19 $\frac{1}{3}$
Filed bet. 1 and 2 mos. after homicide	1	....	....	1	$\frac{1}{3}$
Filed bet. 2 and 3 mos. after homicide ....	....	1	1	2	$\frac{2}{3}$
Filed bet. 5 and 6 mos. after homicide ....	....	....	1	1	$\frac{1}{3}$
Filed 2 yrs. 5 mos. after homicide*.....	1	....	....	1	$\frac{1}{3}$
Filed 4 yrs. 4 mos. after homicide.....	1	....	....	1	$\frac{1}{3}$
	24	16	24	64	.....

*Three policemen.

TABLE NO. 5

DISPOSITION OF CRIMINAL CASES IN WEST SIDE COURT, DENVER,
COLORADO, COMPILED FROM DATA PREPARED BY
CLERK OF DISTRICT COURT

	1919	1920	1921	1922	1923	1924	Total 6 Yrs.	Average Per Year
Pleas of guilty.....	186	209	279	196	146	183	1,199	199+
Verdicts of guilty.....	78	55	92	132	100	98	555	92+
Verdicts of not guilty.....	59	49	57	97	43	79	384	64
Nolle prosequi.....	12	1	2	1	1	....	17	2+
Nolo contendere.....	4	4	30	59	74	74	245	40+
Dismissed.....	375	287	491	156	131	146	1,586	264+
Jury disagreed.....	6	7	6	8	6	6	39	6+

TABLE NO. 6

NUMBER OF CRIMINAL CASES FILED IN WEST SIDE COURT FOR
LAST SIX YEARS

1919	534	1923	426
1920	526	1924	501
1921	639		
1922	488	Total.....	3,114
Average Per Year, 519.			

TABLE NO. 7

ANNUAL REPORT FOR 1921—DISTRICT ATTORNEY

Court	Con- victed	P.G.	Acq.	Dir.	Ver.	H. J.	B. O.	Dis.	N. C.	Total Cases Filed
District	93	220	42	28	5	....	....	311	29	685
County	13	114	20	1	....	....	....	43	19	226
Juvenile	10	6	5	....	....	....	....	17	....	152
Justice	263	195	9	....	....	....	107	200	....	1,357
								Disc. 110		
Total.....	379	535	76	29	5	107	....	681	48	2,420

TABLE NO. 8

ANNUAL REPORT FOR 1922—DISTRICT ATTORNEY

Court	Con- victed	P.G.	Acq.	Dir.	Ver.	H. J.	B. O.	Dis.	N. C.	Total Cases Filed
District	129	154	71	13	6	.....	.....	108	41	582
County	6	1	8	1	.....	.....	.....	5	3	10
Juvenile	16	42	4	1	3	.....	.....	27	1	190
								58		
								Disc.		
Justice	241	359	130	.....	1	104	301	.....	.....	1,567
Total	392	556	213	15	10	104	499	45	.....	2,349

Bond collections: \$4,056.08.

Writs of error prosecuted successfully in Supreme Court, 5.

TABLE NO. 9

ANNUAL REPORT FOR 1923—DISTRICT ATTORNEY

Court	Con- victed	P.G.	B.O.	Acq.	Dir.	Ver.	H.J.	N.C.	Dis. on Costs	Dis. P.W. Req.	Disc.	Total Cases Filed
District	110	151	.....	34	11	5	30	76	.....	.....	.....	441
County	9	14	.....	2	.....	.....	2	12	.....	.....	.....	21
Juvenile	23	17	.....	6	.....	.....	.....	12	.....	.....	.....	229
Justice	291	351	86	12	.....	1	80	173	7	215	2,064	
Total	433	533	86	54	11	6	112	273	7	215	2,755	

Bonds forfeited—Juvenile Court, 1.

Bonds forfeited—Justice Court, 4.

Bond collections, \$20,759.75.

Writs of error to Supreme Court—lost, 1.

TABLE NO. 10

ANNUAL REPORT FOR 1924—DISTRICT ATTORNEY

Court	Con- victed	P.G.	H.J.	Acq.	Dir.	Ver.	N.C.	Dis.	B.O.	Disc.	Total Cases Filed
District	106	149	7	50	33	67	114	.....	.....	.....	643
County	8	2	1	9	.....	.....	33	.....	.....	.....	4
Juvenile	20	16	2	2	.....	1	81	.....	.....	.....	236
Justice	376	408	.....	173	1	177	385	80	96	2,166	
Total	510	575	10	234	34	245	613	80	96	3,049	

Mandamus in Supreme Court, 1.

Writs of error, 1.

Search warrants, 1,056.

Bonds collected, \$13,290.

TABLE NO. 11

NATURE OF CASES BROUGHT IN THE CRIMINAL COURT FOR THE YEARS 1919 TO 1924

Prepared by Clerk of District Court for Bar Committee

Class of Cases	1919	1920	1921	1922	1923	1924	Total
Assault to Kill.....	12	13	20	22	25	25	117
Assault to Rob.....	9	1	1	6	3	3	23
Assault to Injure.....	6	6	5	6	1	1	25
Assault to Rape.....	1	3	2	4	10
Assault with intent to rape and In- decent Liberties.....	2	2
Assault.....	1	.....	.....	.....	1
Assault and Battery.....	1	2	.....	.....	3
Accessory to Crime of Rape.....	1	.....	1
Arson.....	2	.....	.....	1	3
Arson and Conspiracy.....	1	1
Abortion.....	1	1
Attempted Abortion.....	2	.....	.....	.....	.....	2
Adultery.....	1	.....	1	.....	.....	2
Bigamy.....	2	2	.....	2	1	1	8
Blackmail.....	1	1	2
Bribery.....	1	.....	.....	.....	1	2
Burglary.....	7	7
Burglary and Larceny.....	89	74	37	4	204
Burglary and Larceny and Receiving Stolen Goods.....	99	72	.....	.....	.....	72	243
Bunco Steerer and Confidence Game.....	1	1
Confidence Game.....	1	4	17	35	8	10	75
Confidence Game and Fictitious Check.....	2	2
Confidence Game and False Pretense.....	1	1
Confidence Game and Attempted Con- fidence Game.....	1	1
Confidence Game and Grand Larceny.....	2	2
Conspiracy.....	6	12	4	2	24
Conspiracy and Confidence Game.....	1	1
Conspiracy and Larceny from the Per- son.....	1	1
Conspiracy to Commit Rape.....	1	1
Crime Against Nature.....	1	4	.....	.....	5
Crime Against Nature and Indecent Liberties.....	1	1
Carrying Concealed Weapons.....	1	1
Citation.....	1	.....	.....	.....	.....	1
Cheating and Swindling in Sale of Stock.....	1	.....	.....	.....	1
Contempt of Court.....	1	.....	.....	.....	.....	1
Criminal and Constructive Contempt.....	4	1	.....	5
Counterfeiting Another's Handwriting.....	1	.....	.....	1
Disorderly House.....	15	2	.....	.....	.....	.....	19
Disposing of Mortgaged Property.....	1	3	.....	4
Destroying Check.....	1	.....	.....	1
Destroying Motor Vehicle.....	1	.....	.....	.....	1
Embezzlement.....	21	20	25	14	19	14	113
Embezzlement and Larceny as Bailee.....	6	6
Embezzlement and Larceny as Bailee and Grand Larceny.....	3	3
Embezzling, Abstracting and Misapplying Funds of Bank.....	9	.....	9
Effacing and Destroying a Written In- strument.....	1	1
Falsifying Records of Bank.....	2	3	.....	.....	.....	.....	5

Class of Cases	1919	1920	1921	1922	1923	1924	Total
Fictitious Check.....	10	8	3	3	3	...	27
Fictitious Check and Confidence Game ...	...	...	...	...	...	2	2
Failure to Produce Records.....	...	...	1	...	...	...	1
Failure to Exhibit Stock Transfer Book ...	...	...	1	...	...	...	1
Fraudulent Sale of Delay Creditors.....	...	...	1	...	...	...	1
Fraudulent Sale to Defraud Creditors..	...	...	...	...	1	...	1
Fraudulent Bill of Sale.....	...	...	1	...	...	...	1
False Pretenses	13	6	26	9	9	7	70
False Pretenses and Confidence Game..	...	...	...	...	...	5	5
False Pretenses, Confidence Game and Grand Larceny.....	...	...	...	...	...	2	2
False Pretenses of Character and Responsibility in Writing.....	...	...	...	...	...	1	1
False Pretenses, Embezzlement, Larceny as Bailee and Confidence Game .....	...	...	...	...	...	1	1
Forgery	28	26	48	35	25	1	163
Forgery and Uttering.....	...	...	...	...	...	18	18
Forgery of Indorsement and Uttering..	...	...	...	...	...	2	2
Forgery and Attempt to Utter Forgery ...	...	...	...	...	...	1	1
Forgery, Uttering and Grand Larceny..	...	...	...	...	...	1	1
Forgery, Uttering and Fictitious Check .....	...	...	...	...	...	4	4
Forgery, Uttering, Fictitious Check and Confidence Game.....	...	...	...	...	...	4	4
Forgery, Uttering and False Pretenses .....	...	...	...	...	...	1	1
Forfeits Recog. in J. P. Court.....	...	1	...	...	...	...	1
Grand Larceny.....	99	37	102	...	19	12	269
Grand Larceny and Confidence Game..	2	...	...	...	...	...	2
Grand Larceny and Receiving.....	...	55	...	59	63	...	177
Grand Larceny and Larceny as Bailee ...	...	...	...	...	...	4	4
Grand Larceny, Larceny from the Person and Robbery.....	...	...	...	...	...	1	1
Grand Larceny and Receiving Stolen Goods .....	...	...	...	...	...	54	54
Grand Larceny, Receiving Stolen Goods and Conspiracy to Commit Crime of Grand Larceny.....	...	...	...	...	...	2	2
Gambling	15	14	24	24	1	...	54
Habeas Corpus.....	11	23	27	24	13	15	113
Indecent Liberties.....	7	7	10	8	1	...	36
Indecent Acts.....	...	...	...	1	...	...	1
Impersonating an Officer.....	...	1	...	...	...	...	1
In Building with Intent to Steal.....	...	...	4	...	...	...	4
Involuntary Manslaughter.....	...	...	...	1	...	...	1
Inducing Witness to Secrete Himself... ..	...	...	...	...	1	...	1
Instigating, Aiding and Abetting a Prize Fight .....	...	...	...	...	1	...	1
Incest .....	...	...	...	...	...	1	1
Kidnapping .....	...	2	1	...	...	1	4
Liquor Cases.....	75	49	28	23	48	...	223
Larceny from the Person.....	6	8	9	...	3	4	30
Larceny as Bailee.....	4	6	15	5	6	5	41
Larceny and Receiving Stolen Goods... ..	...	...	2	1	...	...	3
Larceny, Buying and Receiving Stolen Goods .....	...	...	...	...	...	1	1
Libel .....	...	...	...	...	2	...	2
Murder	8	17	21	16	14	18	94
Murder by Abortion.....	...	...	1	2	2	3	8
Manslaughter	4	...	...	1	4	2	11
Malicious Mischief .....	...	14	2	1	1	...	18

Class of Cases	1919	1920	1921	1922	1923	1924	Total
White Slavery.....		3	....	....	....	....	3
Wanton Beating by an Officer.....		1	....	....	1
Writ of Certiorari.....		1	....	1
Total.....							3,115

YEARS 1922-3-4

Figures Furnished by Chief of Police

	1922	1923	1924
Total Number of Arrests.....	18,657	17,288	19,825
Male	15,863	14,269	16,910
Female	2,799	3,019	2,915
Total	18,667	17,288	19,825
Married	6,871	6,802	7,910
Single	11,796	10,486	11,915
Total	18,667	17,288	19,825
White	17,060	15,533	18,059
Colored	1,607	1,755	1,766
Total	18,667	17,288	19,825

CAUSES OF ARREST

Assault	23	19	13
Assault to Kill.....	14	14	10
Assault to Rape.....	1	8	5
Assault and Battery.....	8	9	10
Adultery	4	....	2
Abortion .....	....	....	2
Arson .....	....	....	1
Assault to Rob.....	....	....	1
Auto Theft.....	5	9	....
Abandoned Children.....	....	....	2
Accident .....	....	1	....
Assaulted	1	....	....
Beating Board Bill.....	....	1	....
Blackmail .....	....	1	....
Bunco	9	....	....
Burglary	57	33	36
Burglary and Larceny.....	98	23	37
Breaking in Building.....	....	2	....
Breaking Glass on Highway.....	....	....	15
Bigamy	1	2	3
Burned	2	....	2
Bond Forfeiture.....	....	1	....
Bribery .....	....	....	1
Contributing to Disorderly House.....	52	....	151
Capias	1	1	....
Crimes Against Nature.....	3	2	1
Concealed Weapons.....	118	105	128
Conspiracy	4	2	2
Contributing to Juvenile Delinquency.....	15	17	9
Cruelty to Animals.....	41	46	32
Cruelty to Children.....	7	11	4
Contempt of Court.....	....	1	....
Deserter	20	12	4
Discharging Firearms	11	13	16
Disorderly House, Keeping.....	61	19	64
Disturbance	772	892	902
Drunkenness	4,031	3,111	3,003
Demented	157	249	195
Drowned	4	6	9

THE DENVER BAR ASSOCIATION RECORD

CAUSES OF ARREST—Continued

	1922	1923	1924
Dope .....	.....	1	.....
Escaped Convict	1	2	.....
Escape from Hospital.....	.....	1	.....
Embezzlement	1	2	.....
Disorderly Conduct.....	.....	1	.....
Electrocuted	2	.....	.....
False Pretenses.....	1	1	5
Fraudulent Checks.....	12	22	5
Forgery	34	16	8
Fugitive	209	164	205
Found Dead.....	67	103	81
Gambling	468	436	295
Gambling House, Keeping.....	60	49	37
Hold for Juvenile Court.....	.....	.....	107
Hold for Other Authorities.....	59	110	109
Hold for U. S.....	36	62	14
Homicide .....	.....	.....	6
House of Prostitution, Contributing to.....	30	125	64
House of Prostitution, Keeping.....	8	23	15
Hold for District Attorney.....	47	14	19
Hold for Industrial School.....	.....	4	3
Harboring Vicious Dog.....	.....	3	11
Herdick Lic. Violation.....	.....	.....	1
Inmate House Prostitution.....	25	73	35
Inmate Disorderly House.....	.....	9	.....
Indecent Liberties.....	.....	.....	1
Insulting Woman.....	4	.....	.....
Indecent Exposure.....	37	34	31
Indecent Language.....	1	.....	1
Interfering with Officer.....	26	30	28
Investigation	1,815	1,749	2,299
Incorrigible	2	4	.....
Injured	1,217	1,453	1,566
In Transit.....	148	91	86
Impersonating Officer.....	6	.....	.....
Juvenile Delinquency.....	18	42	30
Jumping Bond .....	.....	1	.....
Killed	92	7	.....
Kidnapping	14	.....	3
Larceny (Grand).....	99	78	63
Larceny (Petit).....	1	56	57
Larceny as Bailee.....	2	9	3
Larceny from Person.....	140	5	8
Lost Persons.....	15	117	114
Larceny .....	.....	15	12
Loitering	19	.....	.....
Larceny, Auto.....	.....	.....	2
Mashing .....	.....	9	7
Malicious Mischief.....	45	34	23
Murder	32	34	13
Murdered .....	.....	4	.....
Manslaughter	1	1	1
Non-support	8	21	43
Nuisance .....	.....	1	.....
Old Execution.....	56	53	80
On Warrant.....	138	168	135
Observation .....	.....	.....	3
Passing Counterfeit Money.....	1	.....	.....
Personating Officers.....	1	10	6

CAUSES OF ARREST—Continued

	1922	1923	1924
Perjury .....	....	....	1
Provided with Lodging.....	959	413	425
Poison	40	10	154
Prowler	4	....	....
Picketing	25	....	....
Peeping Tom .....	....	1	....
Prosendendo .....	....	....	2
Rape	12	16	9
Receiving Stolen Goods.....	7	14	11
Resisting an Officer.....	4	26	33
Refusing to Move.....	6	2	2
Robbery	19	5	5
Robbery Highway.....	12	11	14
Runaway	52	58	41
Rooming Housekeeper.....	....	4	15
Running Disorderly House.....	1	86	33
Contributing .....	....	78	....
Reckless Driving.....	....	....	97
Sodomy	1	....	....
Safe Keeping .....	....	22	58
Stealing	45	28	22
Selling Mortgaged Property.....	1	....	....
Shelter	345	360	628
Sick	587	578	773
Shot	62	45	34
Shop Lifting	23	22	7
Short Checks	6	....	7
Stock Running at Large.....	8	4	1
Soliciting	181	98	90
Soliciting Trade.....	....	4	....
Suicide	16	18	16
Suicide Attempt.....	137	117	88
Threats	2	....	....
Trespassing	6	....	....
Vagrancy	2,806	2,292	3,142
Violating Fortune Telling.....	4	2	1
Violating Barber Ordinances.....	....	....	3
Violating Prohibition Law.....	887	1,144	1,303
Violating Peddlers' Ordinance	6	22	18
Violating Narcotic Law.....	140	68	39
Violating Health Ordinance.....	....	5	....
Violating Traffic Ordinance.....	1,291	2,084	1,798
Violating Building Ordinance .....	....	....	2
Violating Parole.....	6	6	2
Violating Rooming House Ordinance.....	....	5	1
Violating Mann Act	1	....	....
Violating Light Ordinance.....	....	2	....
Violating Pool and Billiard.....	....	....	1
Violating Bill Posting Ordinance.....	1	....	....
Violating Dance Ordinance	1	....	4
Violating Pawn License	1	....	1
Violating Automobile Ordinance .....	....	1	267
Violating Sidewalk Ordinance	2	7	....
Violating Dog License Ordinance.....	19	44	3
Witness	220	187	241
Wife Beating	1	....	....
Wrongs to Children.....	6	7	....
	<u>18,667</u>	<u>17,823</u>	<u>19,825</u>

TABLE OF AGES

	1922	1923	1924
10 to 20 years.....	3,262	3,118	3,488
21 to 30 years.....	7,068	6,116	6,965
31 to 40 years.....	4,377	4,378	4,491
41 to 50 years.....	2,239	2,073	2,609
Over 50 years.....	1,721	1,553	2,262
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	18,667	17,288	19,825

OCCUPATION OF PERSONS ARRESTED

Ash Hauler.....	17	8	33
Assayer.....	2	1
Agent.....	23	11	41
Artist.....	4	4	7
Architect.....	2	1	3
Actor.....	14	14	19
Accountant.....	11	5	4
Aviator.....	1	1	1
Auctioneer.....	1	1	1
Auto Livery.....	1	....	2
Auto Dealer.....	....	2	1
Army Officer.....	1	....	....
Ball Player.....	....	....	7
Bell Boy.....	14	23	39
Bootblack.....	....	5	45
Barber.....	117	104	110
Bartender.....	....	....	5
Baker.....	84	43	58
Banker.....	....	....	3
Brakeman.....	41	33	30
Blacksmith.....	58	34	32
Bricklayer.....	44	49	63
Bill Poster.....	....	....	6
Boardinghouse Keeper.....	....	2	8
Boilermaker.....	58	45	32
Bookkeeper.....	42	31	33
Butcher.....	117	79	87
Broker.....	34	10	13
Cashier.....	11	6	5
Carpenter.....	149	218	299
Chiropractor.....	1	....	....
Cleaner.....	....	....	2
Chauffeur.....	448	385	296
Clerk.....	498	399	472
Chemist.....	4	2	6
Cigar Maker.....	33	11	18
Cigar Dealer.....	3	4	2
Coal Dealer.....	2	1	9
Constable.....	2	....	1
Contractor.....	48	49	55
Collector.....	8	12	7
Confectioner.....	19	12	13
Cook.....	319	319	457
Conductor.....	20	19	15
Convict.....	2	....	....
Cattle Buyer.....	....	....	2
Cow Boy.....	....	5	....
Detective.....	5	4	3
Dairymen.....	....	5	12

OCCUPATION OF PERSONS ARRESTED—Continued

	1922	1923	1924
Dress Maker.....	1	3	13
Dentist	6	6	4
Dish Washer.....	38	28	96
Domestic	160	435	372
Druggist	36	8	23
Chief of Police.....	1	.....	.....
Councilmen .....	.....	2	.....
Draughtman .....	.....	.....	1
Engraver	2	3	5
Expressman	44	44	26
Elevator Pilot.....	8	14	15
Electrician	39	18	61
Editor	1	1	1
Engineer, Civil.....	20	7	12
Engineer, Locomotive	38	7	25
Engineer, Stationary	43	59	38
Engineer, Electric.....	.....	.....	1
Foreman	11	13	24
Farmer	291	234	342
Fireman	125	94	73
Florist	6	3	7
Fruit Dealer.....	.....	.....	3
Fortune Teller.....	1	.....	.....
Garage.....	10	.....	27
Gambler .....	.....	38	7
Grader .....	.....	5	5
Gardener	33	30	20
Grocer	17	25	31
Gunsmith	1	.....	.....
Glass Blower .....	.....	.....	1
Harness Maker	1	2	9
Hairdresser .....	.....	4	17
Hostler	1	.....	21
Hotelkeeper	41	36	83
Milliner .....	.....	.....	5
House Mover.....	.....	.....	6
Housewife	1,277	1,358	1,526
Horse Dealer .....	.....	1	.....
Hod Carrier.....	.....	.....	8
Iron Worker	6	35	169
Iceman	24	19	15
Insurance	16	10	12
Journalist .....	.....	1	.....
Investigato: .....	.....	.....	1
Janitor	66	70	63
Jeweler	6	6	11
Jockey .....	.....	.....	1
Junk Dealer	6	18	11
Lather	1	.....	.....
Lumberman	1	.....	3
Lawyer	7	14	9
Laborer	7,498	6,355	7,615
Laundryman	37	72	64
Lineman	19	21	19
Midwife	1	.....	.....
Matron .....	.....	.....	1
Messenger	29	53	37
Machinist	165	160	187
Manufacturer .....	.....	7	10

OCCUPATION OF PERSONS ARRESTED—Continued

	1922	1923	1924
Merchant	138	145	120
Mechanic	341	266	384
Milkman	1	1	2
Miller	3	2	19
Miner	313	252	367
Molder	8	24	15
Motorman	17	10	13
Musician	35	25	31
Manager	5	18	29
Mail Carrier .....	....	1	2
News Dealer	16	37	13
Newsboy	26	32	24
Nurse	26	20	31
No Occupation	2,617	2,674	1,861
Oil Man .....	....	....	4
Operator	29	32	24
Officer U. S. ....	....	2	....
Patient .....	....	5	23
Priest	1	....	....
Pawnbroker .....	....	....	2
Packer .....	....	1	2
Physician	28	29	25
Photographer	12	6	8
Plasterer	46	34	61
Prostitute .....	....	5	3
Peddler	76	77	100
Plumber	57	54	61
Porter	207	206	152
Painter	220	186	282
Paper Hanger	7	21	13
Paymaster .....	....	....	1
Policeman	32	17	33
Policeman, Special	31	25	21
Printer	70	66	99
Prize Fighter	1	3	12
Preacher	2	4	6
Pool Hall Proprietor .....	....	....	5
Restaurant .....	....	....	9
Railroad Man	30	26	188
Reporter	15	3	4
Real Estate	31	25	32
Retired	26	9	21
Sailor	5	9	23
Roofer .....	....	1	....
Soft Drink Proprietor .....	....	....	3
Salesman	464	448	483
Saloonkeeper .....	....	4	9
Shoemaker .....	....	25	31
Showman .....	....	....	4
Soldier	170	165	340
Steam Fitter	43	26	55
Stone Cutter	2	6	15
Stone Mason .....	....	8	3
Student	278	252	483
Sheriff's Deputy	3	2	2
Sign Writer .....	....	....	3
Speculator	1	1	3
Stenographer	23	11	28
Surgeon .....	....	1	1

OCCUPATION OF PERSONS ARRESTED—Continued

	1922	1923	1924
Switchman	69	66	48
Singer .....	....	....	1
Teller	1	....	....
Teacher	4	12	16
Tailor	61	76	89
Teamster	132	97	88
Telegraph Operator	5	16	6
Taxi Proprietor .....	....	....	3
Taxidermist .....	....	....	1
Tinner	11	10	14
Traveling Man .....	....	....	2
Type Setter .....	....	1	4
Truck Driver .....	....	....	48
Undertaker	5	4	6
Upholsterer	1	1	....
Usher	2	5	13
U. S. Officer	1	....	....
Veterinary	1	....	....
Vulcanizer .....	....	1	....
Watchman .....	....	....	7
Waiter	386	376	433
Watchmaker	3	5	17
Waitress .....	....	....	20
Welder .....	....	....	3

NATIVITY OF PERSONS ARRESTED

	1922	1923	1924
Armenia .....	....	....	1
Africa	1,598	1,652	767
Austria	104	103	103
Australia	5	3	7
Assyria .....	....	....	1
Belgium	6	1	17
Boer	1	....	....
Bulgarian	45	27	34
Bohemia .....	....	....	4
Canada	20	12	14
Chili .....	....	....	1
China	61	20	28
Cuba	15	7	1
Gypsy .....	....	7	....
Denmark	28	19	24
Egypt	2	2	4
England	34	25	19
Finn	7	7	12
France	33	31	30
Germany	172	114	114
Greece	181	229	172
Hawaiian	1	2	2
Holland	8	2	11
Hungary	20	11	18
Indian	25	8	18
Ireland	137	93	83
Italy	367	386	358
Japan	52	27	28
Jew	1,403	1,169	206
Mexico	1,253	1,053	1,307
Montenegro .....	....	2	1
Newfoundland .....	....	....	....

NATIVITY OF PERSONS ARRESTED—Continued

	1922	1923	1924
Norway	9	12	20
Nova Scotia.....	1	....	1
Luthania .....	....	....	1
Phillippino	6	11	9
Poland	51	52	43
Portugal	3	2	2
Prussia	1	1	4
Roumanian	18	11	16
Russia	328	536	147
Scotland	30	23	11
Servian	29	25	30
South America.....	3	5	1
Spain	68	59	50
Sweden	157	126	107
Switzerland	20	7	21
Turkey	6	....	6
United States.....	12,332	11,058	15,875
Wales	8	2	4
West Indies.....	1
Slavonia	2
Unknown	333	8
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	15,788	17,288	19,825

CITY JAILER

Total Number of Incarcerations.....	12,015	9,918	12,076
Amount Collected on Executions.....	\$10,700	\$3,417	\$284
Executions Returned, Time Served Out.....	752	359	163
Number of Meals Served.....	33,688	28,683	36,769
Cost of Meals Served.....	\$4,695.06	\$3,125.93	\$4,212.04
Meals for December not Included.			

POLICE MATRON

Number of Incarcerations.....	2,133	2,153	2,060
Turned Over to City Authorities.....	95	124	393
Number of Meals Served.....	3,796	4,192	4,826
Cost of Meals Served.....	\$569.40	....	....
Children Received.....	253	272	239
Children Delivered to Parents.....	177	172	170
Children Sent Detention Home.....	27	....	....
Persons Delivered to Other Authorities.....	282	75	59
Released on Paid Bond.....	17	....	40
Sent to Police Court.....	666	712	604
Released on Bonds.....	614	576	483
Discharged	255	222	72

AUTO THEFT DEPARTMENT

	1922	1923	1924
Cars Reported Stolen.....	820	772	1,000
Cars Received.....	734	720	967
Cars Unrecovered.....	86	52	33
Cost of Cars Stolen.....	\$636,500	\$498,800	\$661,044
Cost of Cars Unrecovered.....	45,750	24,300	15,818
Cost of Cars Recovered.....	590,750	474,500	645,226
Accessories	4,950	....	1,492
Bicycles Stolen	1,234	713	901
Bicycles Recovered.....	462	482	651
Cost of Bicycles Stolen.....	\$18,510	\$10,695	\$13,515

AUTO THEFT DEPARTMENT—Continued

	1922	1923	1924
Cost of Bicycles Recovered.....	6,930	7,230	9,765
Bicycles Unrecovered	772	231	250
Cost of Bicycles Unrecovered.....	\$11,580	\$3,465	\$3,750

1923

Miscellaneous Goods Recovered.....	\$ 6,000
Accessories Recovered.....	1,230
Cars Stolen in Year 1921, Recovered in 1923, 6.....	3,000
Cars Stolen in Year 1922, Recovered in 1923, 8.....	3,200
Cars Stolen in Other Cities and Recovered in Denver, 28.....	17,800

1924

Cars Stolen Outside and Recovered in Denver, 52.....	\$29,000
Cars Stolen in 1922 and Recovered in 1924, 1.....	2,300
Cars Stolen in 1923 and Recovered in 1924, 1.....	400
Bicycles Stolen, 901.....	13,515
Bicycles Recovered, 651.....	9,765
Bicycle Unrecovered, 250.....	3,750
Cars Put in City Garage, 1,900.	
Cars Put in Other Garage, 14.	

